

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CR-00167-FDW-DCK**

UNITED STATES OF AMERICA

v.

COLLINS ARCELL SULLIVAN,

Defendant.

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ORDER


THIS MATTER is before the Court on the Fourth Circuit Court of Appeals’ Order of Remand. (Doc. No. 74.) The Order vacated the criminal judgment in this case and remanded the matter to this Court for further proceedings, including an inquiry “as to whether substitution of counsel would be appropriate in these circumstances.” (*Id.*, p. 2.)

“[T]he proper remedy for an unknowing plea entered in violation of [Federal Rule of Criminal Procedure] 11 is allowing the defendant to plead anew.” *United States v. Sullivan*, No. 22-4243, 2024 WL 1724473, at *1 (4th Cir. Apr. 18, 2024) (quoting *United States v. Jones*, 53 F.4th 414, 418 (6th Cir. 2022)). Consistent with the Fourth Circuit’s Order and this Court’s findings of fact, (Doc. No. 73), this matter has been returned to the pre-plea stage of the proceedings. Therefore, the Court sets the following schedule: Criminal Motions Hearings held during the 8/5/2024 term; Docket Call set for 9/9/2024 at 9:00 AM in Courtroom #5B, 401 West Trade Street, Charlotte, NC 28202 before the undersigned.

During the evidentiary hearing on February 20, 2024, over which this Court presided, Defendant addressed the Court and indicated the events underlying this Order had not resulted in a deterioration of the attorney-client relationship between himself and his currently appointed attorney. The Court, therefore, will not refer this matter for an inquiry of counsel at this time.

IT IS SO ORDERED.

Signed: July 2, 2024


Frank D. Whitney
United States District Judge

